

[Review] Catharine A. MacKinnon (2017) Butterfly Politics

Article (Accepted Version)

Brayson, Kimberley (2018) [Review] Catharine A. MacKinnon (2017) Butterfly Politics. Cambridge Review of International Affairs, 31 (6). pp. 567-570. ISSN 0955-7571

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Catharine A. MacKinnon, *Butterfly Politics*, The Belknap Press of Harvard University Press, Cambridge, Massachusetts, London, England, 2017, ISBN: 978-0-674-41660-4 (hbk) 490 pp.

Butterfly Politics is not only the title of this comprehensive collection of the works of Catharine A. MacKinnon, which charts her political and legal interventions in the inequality between men and women from 1976 to 2016. Butterfly politics is also the organising metaphor of the collection and what MacKinnon herself refers to as the 'central conceit' motivating the book (1). In reflecting upon her work, MacKinnon draws on the notion of the 'butterfly effect', the idea that seemingly simple but focused actions can have significant and complex outcomes. Herein lies the self-confessed conceit, the claim that the focused interventions that constitute this collection have precipitated 'storms' or even 'tornados' in gender relations through the instrumental use of law. This bold claim is unsurprising given the highly ambitious starting point of MacKinnon's earliest work as set out in the first chapter: to change the world for women through law.

MacKinnon's own contemporary reflection on this starting point makes the more modest assertion that this early work was a roadmap for her subsequent, unfinished or future work not yet begun. Picking up the butterfly effect metaphor, one might say that this early work constitutes the chrysalis stage of her work. Or maybe this chrysalis stage was initiated long before these writings. As a daughter of a lawyer and judge, MacKinnon's exposure to the institution of law was more immediate than most and she followed this family example by becoming a Yale Law School graduate. As a feminist political theorist, MacKinnon's starting point is the law. MacKinnon's understanding of the institution of law as a tool to effect social change is central to her project. Her primary concern is the problem of *how* to achieve change for women through law and the concomitant question of *what* needs to change? (11).

In answering the *how* question, MacKinnon develops her methodology through the synthesis of theory and practice. This is explicitly set out in chapter 23 where MacKinnon explores engaged scholarship as method and vocation, in language reminiscent of Weber's *Politics as a Vocation* (1919). As MacKinnon explains, law, for better or for worse, engages and affects its world; it is therefore imperative that legal scholarship embrace rather than pretend to detach from this engagement (263). It is this understanding of law that supports MacKinnon's tenacious insistence on social change through law to attend to the inequality of women. In response to the *what* question, MacKinnon has, over the years identified a particular set of issues to capture 'practice in motion' (7), which include substantive equality, torture, rape, pornography, constitutional equality and rape as genocide. Many of these issues demonstrated the first time such ideas appeared in public. The texts in this collection outline the state of the law prior to and after these interventions and why these issues were worth 'worrying about' (57).

It is this approach that has led MacKinnon to be critiqued in the wider body of feminist literature as having a limited substantive focus. Her dominance approach to equality exposes a hierarchy of power as the root cause for inequality as 'men have power; they set the standard' for law, politics and society, leaving women as deviant (118). This dominance approach is often associated with radical feminism and is a critique of the normative liberal approach to equality as sameness and the cultural feminist claim to difference both of which refer to a male standard for comparison. She elaborates by asking:

‘What is an inequality question a question of? and What is a race or a sex or an age or a sexual preference or a language a question of?, a question of poverty a question of? – is not that they are matters of sameness and difference. The answer is: they are matters of dominance and subordination’ (118)

MacKinnon’s articulation of equality as dominance has met critique from postmodern and intersectional feminisms, which argue that MacKinnon presents a monolithic grand theory of patriarchy that is not sensitive to race and class. Butler (1990, 13) has described the colonising impulse of such a theory that homogenises the experience of women and purports a flat universalism, which excludes the experience of lesbian women, women of colour and poor women. The intersectional analysis of law, developed by Crenshaw (1989, 139-140) and women of colour in the U.S, critiques the single axis approach to inequality taken by MacKinnon for preferring gender over other forms of inequality, in particular the tendency to treat race and gender as mutually exclusive. Although highlighting the ‘extraordinary political purchase’ of MacKinnon’s work, Brown (1995, 76) simultaneously questions MacKinnon’s feminism as foreclosing multivalent and complex understandings of lived material experiences and has diagnosed her work at times as anti-democratic .

MacKinnon’s determination to instrumentalise law for social change can, to some extent, account for this anti-democratic impulse, as her work reflects the anti-democratic foundations and homogenising necessity of the law. MacKinnon herself addresses this very point in an essay entitled ‘Intervening for Change 1976-2016’ (325-331). This post-script recalls an undergraduate essay written by MacKinnon in which she grapples with the internal conflict of political lawyers who ‘are critical of the establishment, and their role as lawyers, which derives its power from the establishment’ (325). Indeed, this a core conundrum that unites and animates feminist legal scholars across the theoretical and methodological spectra. Engaging the law in the way that MacKinnon does has also led many to critique her for failing to address the economic and political systemic inequalities that are facilitated by the law, suggesting instead that her work perpetuates these inequalities.

In light of such a diagnosis of her work, *Butterfly Politics*, through its invocation of the butterfly effect metaphor and references to chaos theory, reads not only as a journey through MacKinnon’s work and a manual on how to politically intervene through law to achieve equality for women. The volume also reads as a response to critiques of monolithism and an attempt to articulate the complexity that MacKinnon considers to be at the core of her work. It represents MacKinnon’s attempt at understanding and communicating how her work is ‘always too early or too late’, stuck between radical and post-feminism, being avant-garde and almost immediately passé (279). The lens provided by the butterfly metaphor enables articulation of the chaos, complexity and illogical dynamics of sex inequality such that ‘theory emerges from complex causality in the unstable, complex nonlinear nonmechanical system that is the law and politics of gender inequality’ (7). According to MacKinnon this is neither as deterministic as legal realism nor as cynically despairing as critical legal studies. In this vein, she discourages the bemoaning of unintended consequences of political activism as linear.

The structure of the collection is conceptual rather than strictly chronological and presents papers, speeches and legal submissions organised around five distinct concepts. ‘Change’ (11-56) articulates the motivation and method of MacKinnon’s work. ‘Law’ (57-182) documents legal interventions, actions and cases regarding gender inequality. The legal claim to sexual

harassment is highlighted as the wing flex of the butterfly that, more than any other in this collection, has created tornados. 'Culture' (183-216) concentrates on pornography, the press and desensitisation of the public in deciphering what is reality and fantasy in the context of gender equality. 'Academy' (217-284) explores gender illiteracy in the academy as a determined kind of ignorance and marginalisation of gender and feminism in the curriculum and scholarship. Against this MacKinnon presents gender literacy and asks: what would it take to make feminism real in legal education? 'Toward an Equal Future' (285-324) nurtures seeds that have been planted for change in inequality and promises tornado moments yet to unfold.

MacKinnon explicitly encourages the extrapolation of butterfly politics as a methodology for thinking about other experiences or settings of inequality. Butterfly politics is not an individual but rather a collective endeavour to precipitate tornados, requiring a shift from a liberal logic of individualism to complexity and collaboration (7). The collection speaks to the political activism of MacKinnon's work which treads 'what turns out to be a very thin line between the inevitable and the hopeless' in seeking to impact on the lives of women whilst being sensitive to theory (325). It provides an invaluable insight into what this political activism through law has achieved and is a rallying call for others to continue this work into the future.

This collection will be of interest to advocates and detractors of MacKinnon's work alike. It is an important point of reference providing a collation of MacKinnon's life work and her project of gender inequality as dominance, animated by the metaphor of the butterfly effect. This collection is for undergraduate and postgraduate students, academics, activists, lawyers, political scientists, sociologists and as MacKinnon dedicates, 'for the last woman I talked with and every baby girl born'.

Notes on contributor

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